

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

06/25/2004

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 05/13/2004.

TITLE: Atlantic Highly Migratory Species Vessel
Chartering Permits

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0495
EXPIRATION DATE: 06/30/2007

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	20	8	0
Difference	20	8	0
Program Change		8	0
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

SUPPORTING STATEMENT
ATLANTIC HIGHLY MIGRATORY SPECIES VESSEL CHARTERING PERMITS

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

This supporting statement is submitted as part of Paperwork Reduction Act (PRA) request for approval of a new collection of information to require that all U.S. vessels report to the National Marine Fisheries Service (NOAA Fisheries) information on their chartering arrangements that target tuna and tuna-like species and are not bareboat charters. The purpose of the collection of information is to comply with a 2002 recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) that states that at the time of the chartering arrangement, the chartering and flag Contracting Parties shall provide specific information concerning the charter to the ICCAT Executive Secretary, including vessel details, target species, duration, and consent of the flag Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity. In order to implement the recommendation, NOAA Fisheries proposes to require that vessel owners apply for and obtain a NOAA Fisheries chartering permit before fishing under a chartering arrangement with a foreign entity. Under the Atlantic Tunas Conservation Act (ATCA), NOAA Fisheries has the authority to promulgate regulations as may be necessary and appropriate to implement ICCAT recommendations.

The measure that requires PRA approval is the submission of information to NOAA Fisheries to apply for a chartering permit that would exempt the vessel from some domestic regulations as needed. All of the chartering permit holders would be reporting catch for these trips as part of reporting requirements already approved under OMB control 0648-0371. Additionally, applicants will be required to submit written notification upon termination of the chartering agreement.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information collected from chartering permit applications will be used to ensure that vessels entering into chartering agreements comply with ICCAT conservation and management measures. Specifically, NOAA Fisheries would use information submitted in applications and notifications of the termination of chartering arrangements to monitor the activities and durations of such arrangements targeting highly migratory species (HMS) in the Atlantic Ocean. NOAA Fisheries would report this information annually to the Executive Secretary of ICCAT as a means of demonstrating compliance with ICCAT's conservation and management recommendations and to improve the reporting and monitoring of HMS fishing activities.

The required written submission would include the following data elements, as shown in the attached permit application form:

1. The name (in both native and Latin alphabets) and registration of the chartered vessel;
2. The name and address of the owner(s) of the vessel;
3. The description of the vessel, including the length, type of vessel and the gear description;
4. Species of fish covered by the charter and quota allocated to the chartering Party;
5. The duration of the chartering arrangement;
6. Copies of fishing licenses, permits, or other authorizations issued by the chartering Contracting Party for the vessel to fish under the arrangement, a copy of the High Seas Fishing Compliance Act Permit pursuant to 50 C.F.R. § 300.10 et seq., as well as documentation regarding the legal establishment of the chartering company; and
7. The measures adopted by the chartering country to implement ICCAT provisions.

Additionally, chartering permit holders will be required to notify NOAA Fisheries upon termination of the chartering arrangement. A brief note is all that's required for this; no form is specified.

Currently, NOAA Fisheries is not aware of many chartering arrangements involving U.S. vessels or operators. Because of this, the notification frequency is anticipated to be low. Technically, the reporting requirement could impact any vessel targeting HMS, but NOAA Fisheries expects the primary focus to involve pelagic longline vessels of which there were 199 active in 2000. NOAA Fisheries estimates that there would likely be less than 10 chartering arrangements applied for and reported, via logbooks, per year. If this information was not collected, NOAA Fisheries would not be able to meet fully its obligations to ICCAT under the recommendation.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

This collection of information involves the use of a submitted form and appropriate information. Given the low number of anticipated respondents, it is not cost-effective to develop an on-line

application for this purpose. This notification option offers the least amount of burden, as well as minimal incurred cost to users.

4. Describe efforts to identify duplication.

NOAA Fisheries and the ICCAT Executive Secretary would maintain databases of existing and reported chartering arrangements. As these would be updated frequently, any duplicated entries would be recognized and removed.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

All HMS fishermen qualify as small businesses. No measures to minimize burden on small businesses are necessary. A written application and subsequent notification of termination would not have a significant impact on individuals, small businesses, organizations or government bodies. Reporting of this information would not require any significant incremental investment in information processing technology or infrastructure. The reporting process is expected to include an average burden of less than 40 minutes per application and 5 minutes per termination notice.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The establishment of a monitoring system for chartering arrangements is necessary in order to implement an ICCAT recommendation. If the collection is not conducted, NOAA Fisheries will be unable to provide the necessary information to ICCAT to support ongoing conservation and management programs. Furthermore, if the United States is seen as non-compliant with ICCAT recommendations, its position within ICCAT could be weakened and restrictions could be placed on the United States or its vessels.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection of information would be made in a manner consistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Notice of Proposed Rulemaking has been published that solicits public comment on this collection. (RIN 0648-AR10)

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

NOAA Fisheries does not provide gifts or payment to individuals upon submitting reports.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

It is agency policy not to release confidential information, other than in aggregate form, as Section 402(b) of the Magnuson-Stevens Act protects (in perpetuity) the confidentiality of those submitting information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No information of a sensitive nature is requested.

12. Provide an estimate in hours of the burden of the collection of information.

NOAA Fisheries expects that there would be very few applications for chartering arrangements submitted. Of the 199 active fishing vessels, NOAA Fisheries estimates that less than 5 percent would be involved in a chartering arrangement or approximately 10 vessels. While this number represents an estimate, NOAA Fisheries does not anticipate a high number of chartering arrangements.

Each of the 10 vessel owners would need to complete an application that includes the seven items listed in response #2. Of these items, the first three items should require a minimal amount of time to answer (~5 minutes). The next three items are items that should already be negotiated and discussed before the vessel determines it need a chartering permit. Thus, these items should also require only a minimal amount of time for response (~5 minutes). The last item on the list may take more time to answer. Thus, NOAA Fisheries estimates that it will take a vessel owner approximately 40 minutes to fill out an application. The total annual burden for the application is:

$$10 \text{ vessels} * 40 \text{ minutes/vessel} = 6.7 \text{ hours/year}$$

Additionally, chartering permit holders will be required to notify NOAA Fisheries upon termination of the chartering arrangement. NOAA Fisheries estimates that it will take vessel owners 5 minutes to notify NOAA Fisheries of termination of the chartering arrangement. Thus, the total annual burden for both the application and termination notification is:

$$40 \text{ minutes/vessel} + 5 \text{ minutes/vessel} = 45 \text{ minutes/vessel} = 7.5 \text{ hours/year}$$

Total annual burden estimate for 10 applications and 10 notifications (upon termination of chartering agreements), is less than 8 hours. All catch reports will be submitted with logbooks that are approved under OMB 0648-0371.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

$$\$0.37 * 2 \text{ (one application; one notification)} * 10 \text{ vessels/year} = \$7.40/\text{year}$$

Total annual cost burden estimate is \$7.40 per year.

14. Provide estimates of annualized cost to the Federal government.

There would be no significant costs to the federal government. The costs associated with entering and processing the submitted reports are negligible.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The chartering arrangement application is a new collection and therefore is a program change.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The information from the submitted applications and logbook reports could be used for emergency and standard rulemaking, environmental impact statements, regulatory impact reviews, and other NOAA Fisheries documents. The data will be presented in aggregate form, which will not lead to the identification of individuals.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

N/A.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information is a survey of any chartering arrangements which are being collected for monitoring purposes; therefore, the collection will not employ statistical methods.

Attachment –

Highly Migratory Species Chartering Permit Application Form

Highly Migratory Species Chartering Permit Application

Complete and submit this form by mail to Christopher Rogers, Chief, Highly Migratory Species Management Division F/SF1, 1315 East-West Highway, Silver Spring, MD 20910 or by fax to the HMS Management Division, 301-713-1917.

Date (dd/mm/yy): _____

Name and Addresses

Applicant:

Phone: _____

Owner(s) of the vessel:

Phone: _____

Name and Registration of Chartered Vessel: _____

***Please provide a copy of the vessel registration

Description of the vessel

Vessel Length: _____ Feet

Gear Description (include type, size, and amount of gear):

Species covered by Charter (Incidental and Directed Species - Common Name(s)): _____

Quota allocated to Chartering Party: _____

Duration of Chartering Arrangement (Please specify a beginning date and termination date): _____

***Attach copies of fishing licenses, permits, or other authorizations issued by the chartering Contracting Party for the vessel to fish under the arrangement.

***Attach a copy of the High Seas Fishing Compliance Act Permit pursuant to 50 C.F.R. § 300.10 et seq.

*** Attach documentation regarding the legal establishment of the chartering company.

***Attach a list of measures adopted by the chartering country to implement ICCAT provisions or copy of regulations of the chartering country.

Signature of Applicant: _____ Date: _____

Certification: I certify that the information provided by me on this form is true to the best of my knowledge, and made in good faith. FALSE STATEMENT ON THIS FORM IS PUNISHABLE BY LAW.

PAPERWORK REDUCTION ACT NOTICE: Collection of information through an exempted fishing permit program provides essential information for the conservation and management of Atlantic tunas, swordfish, and billfish. Information on distribution and migratory patterns will be used for stock assessment and in developing international catch sharing agreements. Public reporting burden for this collection of information is estimated to average 40 minutes per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: NOAA Fisheries, Highly Migratory Species Management Division (F/SF1), 1315 East-West Highway, Silver Spring, MD 20910. Reporting of chartering permit activity is required under the authority of the Atlantic Tunas Convention Act. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NOAA Fisheries may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB Control # Expires